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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,498	01/09/2002	Sean Edward Aschen	AUS9-2001-1003-US1	6734

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EXAMINER
BURGESS, BARBARA N

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/042,498	ASCHEN ET AL.
	Examiner	Art Unit	
	Barbara N. Burgess	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 September 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

This Office Action is in response to amendment filed September 14, 2005. Claims 1-21

are presented for further examination.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Singer

et al. (hereinafter "Singer", US Patent Publication 2005/0125531 A1).

As per claims 1, 8, and 15, Singer discloses a method, a computer product

embodied in a machine-readable storage medium, and data processing system

including circuitry for performing the steps of:

- Starting a log file parser on each server of a set of servers in a distributed

  information processing environment (paragraphs [0008-0009, 0054], Singer

  discloses collecting usage data from one or more web servers);

- Retrieving usage information from a database file generated by said log file parser

  (paragraphs [0069-0070, 0073-0074], Singer discloses users generating usage

  reports from the database storing log files at the Analysis Server);

- Generating preselected usage statistical information from said usage information

from said database file (paragraphs [0077-0087], Singer discloses users accessing

daily summary reports, weekly summary reports, usage by hour report, etc.

according to data from the database at the Analysis Server).

As per claims 2, 9, and 16, Singer discloses the method, a computer product

embodied in a machine-readable storage medium, and data processing system of

claims 1, 8, 15, further comprising the steps of:

- Closing a current log tile (paragraph [0054]);

- Reading said log file (paragraphs [0057-0060]);

- Generating said database file in response to said log file (paragraphs [0061-0066]).

As per claims 3, 10, 17, Singer discloses the method, a computer product embodied

in a machine-readable storage medium, and data processing system of claims 2, 9, 16,

further comprising the step of starting a next log file (paragraph [0065]).

As per claims 4, 11, 18, Singer discloses the method, a computer product embodied

in a machine-readable storage medium, and data processing system of claims 2, 9, 16,

wherein said steps of closing said current log file, reading said log file, and generating

said database file are performed by said log file parser (paragraph [0017]).

As per claims 5, 12, 19, Singer discloses the method, a computer product embodied

in a machine-readable storage medium, and data processing system of claims 1, 8, 15,

wherein said steps of launching a log file parser, retrieving usage information from a database file, and generating preselected usage statistical information are repeated for each server in said distributed information processing system (paragraph [0065]).

As per claims 6, 13, 20, Singer discloses the method, a computer product embodied in a machine-readable storage medium, and data processing system of claims 1, 8, 15, wherein repeating said steps of launching a log file parser, retrieving usage information from a database file, and generating preselected usage statistical information for each of set of servers in said distributed information processing system are performed by a shell script (paragraphs [0100-0103]).

As per claims 7, 14, 21, Singer discloses the method, a computer product embodied in a machine-readable storage medium, and data processing system of claims 1, 8, 15, wherein said log file comprises an log file maintained by a directory server (paragraph [0043]).

Response to Arguments

The Office notes the following arguments:

(a)   Singer does not disclose "starting a log file parser on each server of a set of servers in a distributed information processing environment".

(b)   Singer does not disclose "retrieving usage information from a database file generated by said log file parser".

(c)   There is no language in Singer regarding generating a database file, on each server by a log file parser.

3.   Applicant's arguments filed have been fully considered but they are not persuasive.

In response to:

(a)   According to Applicant's specification "the audit file parser generates an output file appropriately formatted for insertion in a database and for further processing to generate usage statistical information" (page 9). Once the "parser finishes, it outputs a database file containing usage data from the current log file" (page 10).

Singer discloses a collection server (parser) that starts a batch program that determines the web servers at the location of the collection server and creates the collection program that collects the server logs from the web servers, zips the files (output files), and transfers the files (output files) to be stored in a database (paragraph [0054]).

The collection server (log file parser) starts a batch and collection program on each server at the same physical location as it (paragraph [0054]). Therefore, Singer

explicitly discloses "starting a log file parser on each server of a set of servers in a distributed information processing environment".

(b)   Singer discloses the analysis server accessing the zipped files from the collection server by unzipping the log files, filtering the files for determined web server data, and loading the data into the database (paragraph [0057-0060]). The files contain usage data from the web servers (paragraphs [0048, 0051]). The analysis server uses the files to generate summary tables and reports (paragraphs [0066, 0069]). Therefore, Singer, undoubtedly, discloses "retrieving usage information from a database file generated by said log file parser".

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Barbara N. Burgess whose telephone number is (571)
272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Ario Ettinene can be reached on (571) 272-4001. The fax phone number for
the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

Barbara N Burgess
Examiner
Art Unit 2157

November 22, 2005

ARIO ETTIENNE
PRIMARY EXAMINER